

1 Daniel L. Barton, Esq., (SBN: 135806)



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6 Attorney for Defendant
Charles Levi Lytle

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.
14

15 CHARLES LEVI LYTLE,

16 Defendant.

Case No. CR-07-00108 JF

STIPULATION TO CONTINUE
SENTENCING HEARING AND
[PROPOSED] ORDER

17
18 The United States of America, by and through Joseph Russoniello, United States
19 Attorney for the Northern District of California, and Richard C. Cheng, Assistant United
20 States Attorney for said District, and defendant Charles Levi Lytle, through his attorney
21 Daniel L. Barton, hereby stipulate and agree that the sentencing hearing presently set in
22 this matter be continued from Wednesday, April 22, 2009 to Wednesday, May 23, 2009.

23 This stipulation is entered into for the following reasons:

24 On January 8, 2008, defendant plead guilty to counts 1, 2, 30, and 32 of the
25 indictment pursuant to a plea agreement with the government. The plea agreement
26 contemplates the defendant's cooperation with the government in exchange for a
27 downward departure pursuant to section 5K1.1 of the sentencing guidelines and/or 18
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1 U.S.C. section 2553, should the defendant provide substantial assistance to the
2 government. Pursuant to this agreement, defendant testified as a prosecution witness in
3 the jury trial of the co-defendant.

4 In early April, 2009, defendant entered into a settlement agreement with victim,
5 Cisco Systems, pursuant to which he compensated Cisco for losses suffered as a result
6 of his involvement in this case. Cisco accepted defendant's payment and released Mr.
7 Lytle from further civil liability for his conduct in this matter. Furthermore, Cisco agreed
8 not to pursue additional restitution from Mr. Lytle. Mr. Lytle paid Cisco systems the sum
9 of \$215,000 in satisfaction of his obligations in this case.

11 Defendant requests additional time to submit evidence of the settlement
12 agreement to the United States Attorney and to probation and for the United States
13 Attorney and probation to consider the significance, if any, of the defendant's settlement
14 with Cisco. Defendant also requests additional time in order to prepare and submit a
15 Sentencing Memorandum that accounts for the defendant's settlement of the restitution
16 claim.

18 For the foregoing reasons, it is respectfully requested that the sentencing hearing
19 be continued to May 13, 2009 at 9:00 am.

23 Dated: 4/14/09

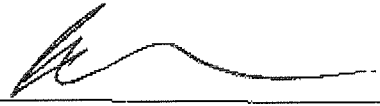
NOLAN, ARMSTRONG & BARTON LLP



DANIEL L. BARTON
Attorney for Charles Levi Lytle

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: 4-14-09


RICHARD C. CHENG
Assistant United States Attorney

IT IS SO ORDERED.

Dated: 4/16/09


THE HONORABLE JEREMY FOGEL
United States District Judge